

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3161
TTY 711
<http://www.dot.ca.gov/dist05/>



*Serious drought
Help save water!*

July 15, 2016

Bill Robeson
Deputy Director
Planning and Building Department
County of San Luis Obispo
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Dear Mr. Robeson,

Thank you for contacting Caltrans about the status of the development proposal at the Laetitia Vineyard & Winery. In light of recent conversations and correspondence with the applicant (enclosed), please accept this letter in consideration of the upcoming Board of Supervisors hearing.

Caltrans remains concerned about the potential for the project to pose substantial risk to the traveling public associated with the access to an existing private driveway that has a direct connection to US 101. While the proposal suggests access would be used only for secondary/emergency purposes, there is a lack of verifiable means to ensure the access would be used only for that purpose.

The Environmental Impact Report acknowledges this uncertainty and finds it to be a significant and unavoidable impact. While Caltrans agrees with the significance determination, the basis for finding the impact unavoidable has not been established and reasonable and feasible mitigation measures appear to be available. Examples of mitigation measures to consider include closing the median crossovers and phasing in the construction of a local (frontage) road connection. San Luis Obispo County is authorized to impose limitations on access as a condition of approval of the project, as explained in the treatise California Easements and Boundaries § 2.43 (Cal CEB 2016).

Caltrans supports continued discussion with the county and the developer to find an acceptable solution. Ultimately, Caltrans is interested in supporting the efforts of San Luis Obispo County to ensure that development is planned and carried out in a way that adequately protects the traveling public from substantial risk.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aileen K. Loeb".

AILEEN K. LOE
Deputy District Director

Enclosures

DEPARTMENT OF TRANSPORTATION

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*Serious drought
Help save water!*

July 11, 2016

John C. Janneck
Managing Partner
Laetitia Vineyard & Winery
1124 Tower Road
Beverly Hills, CA 90210

Dear Mr. Janneck,

I appreciated the opportunity last week to meet and discuss the access to US 101 from your proposed development. I am writing to acknowledge and respond to your letter of July 8, 2016, including consideration of the July 7, 2016 letter from CAL FIRE.

During last week's meeting, we spoke of ways to ensure the access would be used only in the event of an emergency, as required to evacuate the property. The access gate as specified by CAL FIRE in and of itself does not provide sufficient assurances that the gate would only be used for this purpose. The potential for unrestricted access onto US 101 from the existing driveway is the primary issue causing our concern for the safety of the traveling public at this location.

Caltrans' interest in a frontage road paralleling US 101 was raised directly in relation to the proposed development as an alternative to the current proposal.

We also believe that a solution can be reached to the satisfaction of all parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aileen K. Loeb".

AILEEN K. LOE
Deputy District Director

- c. Supervisor Arnold
CAL FIRE
SLO Co Planning & Building

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*Serious drought,
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February 5, 2016

Mr. Brian Pedrotti, Project Manager
 County Planning & Building Dept
 976 Osos St, Rm 300
 San Luis Obispo CA 93408-2040

SLO 101 PM 9.66
 SCH 2005041094

Dear Mr. Pedrotti:

LAETITIA AGRICULTURAL CLUSTER SUBDIVISION

The California Department of Transportation (Caltrans) has been present for all of the Planning Commission public hearings on the Laetitia Agricultural Cluster Subdivision project including the most recent hearing on January 14, 2016.

In the Environmental Impact Report and in the hearings, the terms “secondary access” and “emergency access” have been used interchangeably but it is our understanding that they are not one and the same. In our discussions with CALFIRE, we have been informed that “secondary access” is not only for emergency egress but is intended to be unimpeded access 24/7, which could include events or other non-emergency activity. We believe this distinction needs to be made clear. The applicant asserts that a security guard would ensure that only emergency egress would be allowed. However, if the CALFIRE requirement is only for “secondary” and not emergency egress, the question arises as to the basis for which the guard would prohibit non-emergency uses, what constitutes an emergency and how it would be declared.

For these reasons, Caltrans continues to request that the county deny the use of the at-grade driveway without some type of physical barrier or other mechanism that would ensure non-emergency uses. Caltrans remains open to discussion of possible options in the efforts to ensure public safety.

If you have any questions or concerns, please feel free to contact me at (805) 549-3131 or adam.fukushima@dot.ca.gov.

Sincerely,

Adam Fukushima, PTP
 Caltrans District 5, Development Review

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*Serious drought,
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June 8, 2015

Mr. Ken Topping, Chair
 San Luis Obispo County Planning Commission
 976 Osos St, Rm 300
 San Luis Obispo CA 93408-2040

SLO 101 PM 9.66
 SCH 2005041094

LAETITIA AGRICULTURAL CLUSTER SUBDIVISION FINAL ENVIRONMENTAL IMPACT REPORT

Dear Mr. Topping:

The California Department of Transportation (Caltrans) works in partnership to fulfill its mission to provide a safe, sustainable, integrated and efficient transportation system. As the local land use authority, San Luis Obispo County is a critical partner with a shared responsibility to support sustainable, livable development and to promote the safety and health of its residents and the public.

US 101 is the principle north-south interregional travel corridor on the central coast and the backbone for the economic well-being and quality of life of the region. The *US 101 Transportation Concept Report* is the Department's long range plan for the corridor that analyzes current and future conditions and recommends strategies to support a safe and efficient system into the future. The long range strategy for US101 is to upgrade the facility to full access control with grade-separated connections to the local road network. The principle behind access control is to reduce conflict points between turning vehicles and through traffic created by at-grade connections and median openings.

The Final Environmental Impact Report states the at-grade access to US 101 proposed with this project presents significant, adverse, and unavoidable impacts. Caltrans agrees that the proposed access is significant and adverse but disagrees that it is unavoidable. Since 2008, Caltrans has articulated concerns about intensification of use at the US 101/winery and tasting room driveway. For public safety and to preserve the integrity of the State Highway, we request that the county deny any access to the existing private driveway for this development.

We offer the following information for your consideration:

- The historic access at this location has been to support agricultural uses. The subsequent Caltrans encroachment permit granted to this site (March 1984, Pressoir-Deutz Winery) was for a winery and tasting room, an ancillary agricultural use. Any change or intensification of use, as with the proposed development, is inconsistent with the historic use and the 1984 permit.
- Emergency access requirements for the proposed development were discussed with CALFIRE together with county and Caltrans staff. This discussion clarified that there is

Mr. Ken Topping
June 8, 2014
Page 2

no expectation that the existing driveway be used to meet this requirement. Please reference Caltrans' letter to your staff dated May 9, 2014 addressing this subject.

- All trips accessing US 101 from this development should be directed to a grade-separated facility, such as the Los Berros Road Interchange via the local road system. This type of mitigation would avoid the significant adverse impact referenced above and would be consistent with the CEQA Guidelines, 15021 (a).

Allowing for any additional use of the existing driveway beyond its present permitted use would be ill-advised. As a partner promoting the long term safety and sustainability of communities and the transportation system, we urge the county to fully mitigate all transportation impacts of the proposed project. Thank you for giving this careful consideration in your decision making process.

Sincerely,



AILEEN K. LOE
Deputy District Director
Planning and Local Assistance

c: Lynn Compton, 4th District County Supervisor
James A. Bergman, County Planning Director
Brian Pedrotti, County Planner
Ronald L. De Carli, SLOCOG Executive Director

DEPARTMENT OF TRANSPORTATION

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May 9, 2014

Mr. Brian Pedrotti, Project Manager
County Planning & Building Dept
976 Osos St, Rm 300
San Luis Obispo CA 93408-2040

SLO 101 PM 9.66
SCH 2005041094

Dear Mr. Pedrotti:

COMMENTS ON THE LAETITIA AGRICULTURAL CLUSTER SUBDIVISION

Thank you for meeting with us on April 3, 2014, along with Laurie Donnelly of CAL FIRE to discuss access of the proposed Laetitia subdivision.

It is our understanding from the meeting that the applicant is proposing to use the winery and tasting room driveway from US 101 to satisfy CAL FIRE's requirements for sufficient secondary access for residents to leave the subdivision in the event of an emergency. As discussed at the meeting, it is our position that this at grade driveway is a poor choice for secondary access since it would create its own set of public safety and traffic operations problems. CAL FIRE stated at the meeting their requirement for secondary access but it did not necessarily need to go at that location.

The Caltrans encroachment permit for the driveway was approved for use as a "winery and tasting room" (March 22, 1984). This driveway is for agricultural use. Access for a residential subdivision and / or dude ranch would constitute an unapproved use.

We suggest that the applicant work with CAL FIRE, the County, and Caltrans to find another location for secondary access. This point of secondary access should avoid the use of an at grade driveway to US 101.

If you have any questions or concerns, please feel free to contact me at (805) 549-3131 or adam.fukushima@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fukushima".

Adam Fukushima, PTP
Caltrans District 5
Development Review

DEPARTMENT OF TRANSPORTATION

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August 26, 2013

Mr. Brian Pedrotti, Project Manager
 County Planning & Building Dept
 976 Osos St, Rm 300
 San Luis Obispo CA 93408-2040

SLO 101 PM 9.66
 SCH 2005041094

Dear Mr. Pedrotti:

**COMMENTS ON THE REVISED RECIRCULATED DRAFT ENVIRONMENTAL
 IMPACT REPORT FOR THE LAETITIA AGRICULTURAL CLUSTER
 SUBDIVISION**

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Revised Recirculated Draft Environmental Impact Report (RRDEIR) for the Laetitia Agricultural Cluster Subdivision. The document offers an amended Alternatives Analysis for the project.

CALTRANS-1

Regarding each alternative, Caltrans refers to our November 7, 2008 comments (attached). With respect to access onto US 101, the existing comments from 2008 (paragraph 1) remain in effect in their entirety. Due to concerns of public safety and traffic operations, Caltrans cannot support any proposal which has the possibility of adding a single trip to the existing winery driveway on US 101. Only a "crash-gate" type emergency access can be supported.

CALTRANS-2

Caltrans is currently in the process of updating the *Transportation Concept Report* for US 101 (adoption expected early 2014). The likely planning concept for US 101 through all of San Luis Obispo County is to upgrade the facility to a freeway. This concept entails a long term strategy to incrementally remove all median openings and consolidate access to US 101 with interchanges. This will be a long term effort and intensifying of the use of the existing winery driveway for the proposed project would be inconsistent with this plan.

CALTRANS-3

With respect to the US 101 / Los Berros Road interchange, the existing comments from 2008 (paragraphs 2, 3 and 4) still apply unless new analyses are performed which demonstrate that the requirements identified in the 2008 DEIR are no longer required or can be modified.

CALTRANS-4

In addition, it should be noted that Caltrans would consider roundabouts at the ramp nodes rather than signalization as a possible mitigation strategy.

CALTRANS-5

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Mr. Brian Pedrotti
Page 2

If you have any questions or concerns, please feel free to contact me at (805) 549-3131 or
adam.fukushima@dot.ca.gov.

CALTRANS-6

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Fukushima', with a stylized flourish at the end.

Adam Fukushima, PTP
Caltrans District 5
Development Review

Enclosure: Laetitia comment letters from 2008 and 2012

"Caltrans improves mobility across California"

DEPARTMENT OF TRANSPORTATION

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May 16, 2012

Brian Pedrotti
 County of San Luis Obispo Planning
 976 Osos Street, Room 300
 San Luis Obispo, CA 93408

SLO 101 pm 9.66
 SCH 2005041094

Subject: Laetitia Agricultural Cluster Subdivision Tract Map and Conditional Use Permit Re-circulated Draft Environmental Impact Report

Dear Mr. Pedrotti:

Thank you for the opportunity to review and comment upon the subject Re-circulated Draft Environmental Impact Report (DEIR). The document includes an expanded suite of project alternatives, including the "Alternative Access Alternative". This alternative anticipates the possibility of expanding local road connectivity which would eliminate the need to provide secondary access through the existing winery facility.

CALTRANS-15

Regarding each alternative, Caltrans refers to our November 7, 2008 comments (attached). With respect to access onto US 101, the existing comments from 2008 (paragraph 1) remain in effect in their entirety. Caltrans refuses to support any proposal which has the possibility (deliberate or inadvertent) of adding a single trip to the existing winery driveway on US 101.

CALTRANS-16

With respect to the US 101/Los Berros Road interchange, the existing comments from 2008 (paragraphs 2, 3, and 4) remain in effect in their entirety unless or until new analyses are performed (for whichever alternative is preferred and/or approved by the lead agency) which demonstrates that the requirements identified in the 2008 DEIR are no longer required or can be modified.

CALTRANS-17

If you have any questions regarding these comments please call me at (805) 549-3632.

Sincerely,

Chris Shaeffer
 Development Review
 Caltrans District 5

Attachment

C: J. Worthley, SLOCOG
 G. Marshall, PWorks

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

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November 7, 2008

SLO 101 PM 9.66

Brian Pedrotti, Project Manager
 County of San Luis Obispo
 Department of Planning & Building
 967 Osos Street, Room 300
 San Luis Obispo, CA 93408

Dear Mr. Pedrotti,

LAETITIA AGRICULTURAL CLUSTER SUBDIVISION TRACT MAP AND
 CONDITIONAL USE PERMIT, DRAFT EIR, SCH # 2005041094

Thank you for submitting the above referenced project for our review. The following comments were generated as a result.

CALTRANS-1

Project-specific Impacts and Mitigation Measures

1. *(Transportation and Circulation, Page V-204, (2.) Existing With Project Intersection Operations, (a) Highway 101/Laetitia Vineyard Drive Intersection)* We would like to acknowledge and confirm that Caltrans will not accept any additional traffic introduced onto U.S. 101 at the Laetitia Winery driveway from the proposed Ag Cluster Development. This would include right-in/right-out turning movement traffic from the Laetitia Winery driveway. We are gratified that the traffic study acknowledges our position on this matter as Caltrans agrees that to add traffic at this location via any type of turning movement, is to introduce a significant traffic impact on U.S. 101.

The mainline segment of U.S. 101 at the Laetitia Winery Intersection location currently experiences traffic traveling at high rates of speed with those traffic volumes continuing to increase. The Ag Cluster project proposes to generate a total of 1,234 daily trips with 90% of that estimate, 1,110 daily trips, being assigned to travel on U.S. 101 everyday. Caltrans must assume that most if not all of these 1,110 daily trips would not voluntarily comply with the intent of the gate restricting access type of emergency access. All of those 1,110 daily trips could theoretically and easily access this high-speed facility.

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Mr. Pedrotti
November 7, 2008
Page 2

Although the Ag Cluster proposal has designated the Laetitia Winery driveway as its secondary access, Caltrans is aware that this secondary access or "emergency access" provides a much shorter and direct route onto U.S. 101 compared to the primary access route that connects to Upper Los Berros Road. Commuters tend to resist traveling out of their way, or out of direction, to reach their destination. The "gate restricting access" to the Laetitia Winery's access to U.S. 101 as proposed, could be remotely actuated by drivers coming in and out of the proposed development's "secondary access". Drivers wouldn't even have to get out of their cars to open the gate restricted access.

CALTRANS-1
(cont'd)

Caltrans cannot "assume" voluntary compliance whereby non-emergency traffic (daily traffic) will not be indiscriminately traveling onto U.S. 101, unless a "crash-gate" type emergency access will be required instead of the "gate restricting access" promoted by Cal Fire. Caltrans views the traditional type of crash gate, i.e., a chain link suspended between and attached by a pad lock to two posts set in concrete, as one way of assuring that only emergency-event traffic will be able to access U.S. 101 at the Laetitia Winery entrance. We therefore request that the Lead Agency condition the proposed Ag Cluster development to install the traditional "crash-gate" type of emergency access barrier.

CALTRANS-2

Caltrans asks that Cal Fire provide documentation formally stating the policy that now requires, "gate restricting access" instead of the traditional "crash-gate" type of emergency access. Is this a state-wide policy for Cal Fire or a county specific requirement? We ask for clarification on this matter.

CALTRANS-3

Please be advised that Caltrans recently held a kick-off Project Development Team (PDT) meeting for the "Construct Median Barrier" project on U.S. 101. This project proposes to construct a median barrier from south Arroyo Grande down to the 101/Thompson-Los Berros Interchange location. The construction of the median barrier will effectively eliminate all left-turn capability in and out of the Laetitia Winery driveway.

CALTRANS-4

2. *(Transportation and Circulation, Page V-205, (2.) Existing With Project Intersection Operations, (b) Highway 101 Southbound Ramps/Los Berros Road)* Caltrans acknowledges the signal warrants analysis within the traffic study stating the need for traffic signals at the 101/southbound ramp intersection. Please be advised that early consultation with our Traffic Operations Staff regarding the placement of traffic signals at this location would be of benefit. Caltrans has final authority regarding the construction of traffic signals within our Right of Way (R/W). Please contact Julie Gonzalez, Senior Traffic Operations Engineer (549-3048), regarding the project approval condition involving the placement of a traffic signal at this location. This proposed mitigation will require an encroachment permit from Caltrans.

CALTRANS-5

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3. *(Transportation and Circulation, Page V-205, (2.) Existing With Project Intersection Operations, (c) Highway101 northbound Ramps/Los Berros Road)* Caltrans acknowledges the signal warrants analysis within the traffic study stating the need for traffic signals at the 101/northbound ramp intersection. Please be advised that early consultation with our Traffic Operations Staff regarding the placement of traffic signals at this location would be of benefit. Caltrans has final authority regarding the construction of traffic signals within our Right of Way (R/W). Please contact Julie Gonzalez, Senior Traffic Operations Engineer (549-3048), regarding the project approval condition involving the placement of a traffic signal at this location. This proposed mitigation will require an encroachment permit from Caltrans.
4. *(Transportation and Circulation, Page V-209, (4.) Existing With Project Intersection Operations, (b) Highway101/Los Berros Road/North Thompson Road Ramp Junctions)* Caltrans acknowledges the mitigation being offered, i.e., the lengthening of various ramps to add extra acceleration and deceleration distances. Early consultation with Paul McClintic, Senior Traffic Operations Engineer (549-3473) regarding the feasibility of constructing this mitigation measure, would prove beneficial. This proposed mitigation would require an encroachment permit from Caltrans.

All work done in the State's R/W shall be done to the Department's engineering and environmental standards and at no cost to the State. Furthermore, the conditions of approval and the requirements for obtaining the encroachment permit are at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements.

Please contact Mr. Steve Senet at (549-3206) for more information regarding the encroachment permit process or visit The Department's website at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

If you have any questions regarding the foregoing, please contact me.

Sincerely;

Sincerely,

James Kilmer

Author's address: The Development Review for San Luis Obispo County
 600 E. Main
 P.O. Box 549, 96833
 Santa Maria, California 96876-0549
 Email: jim@s.kilme.org

Cc: James Worthley - SLOCOG

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